

**REMARKS**

Claims 44-46 remain pending in the application and are subject to discussion. Claims 44 and 45 are amended. No new matter is added by the amendments.

**Claim rejections under 35 U.S.C. § 102(e)**

**In view of Gentles et al. (U.S. 2004/0266533)**

**Of claims 44 and 45**

Regarding the claim rejection based on 35 U.S.C. §102(e), the Applicant submits that the invention is not anticipated by Gentles in view of the following arguments:

Regarding claim 44, the Office Action states that Gentles teaches all the limitation of claim 1.

According to the Applicant's reading of Gentles, the latter teaches a GAMING SOFTWARE DISTRIBUTION ENVIRONMENT. The environment comprises gaming machines, servers housing services, and a communication network. For communication between the network components, encapsulated communication signals may be transmitted, with the encapsulation type depending on the communication protocols being used (VPN Tunneling Protocol – paragraph 0109, Cryptographic Protocol – paragraph 0110, and even, though not discussed by Gentles, Web Protocols such as SOAP available through Patent Application U.S. 2007/013322 - paragraph 0046 from Swamy et al.). Among the information transmitted in the described gaming environment, Gentles describes, in paragraph 0054 and particularly in paragraph 0167, that gaming data transmitted "may include new or modified gaming software for game play, bonus game play, tournament play, [...] [and] game outcomes (for systems having central determination)". In paragraph 0013, Gentles states that it is commonly known "to augment the traditional "base" game play with enhancements such as [...] community bonus games".

Throughout the whole document, Gentles talks about bonuses and bonus plays only in paragraphs 0013, 0054, 0167, **0178**, 0231, **0240**, **0241**, **0252**, and **0253**. In paragraph 0013, the correct understanding of Gentles is that gaming data transmitted may include new or modified software for bonus game play, which is different from the bonus game play outcomes. In paragraph 0178, Gentles teaches that the servers may be utilized to provide a variety of distinct services, including bonusing capability and central [outcome] determination among these services. Gentles lists them without performing any further connection between these services. In paragraphs 0240, 0241, 0252 and 0253, Gentles states that the controller determines and may provide bonus game play after the base game routine, thus when the latter is terminated. Other paragraphs listed above and not otherwise mentioned provide no additional substance.

The Office Action states that "the encapsulated game data [...] can include the game outcomes, which can include base and bonus games as acknowledge in paragraph 0013". The Applicant disagrees with this statement. Paragraph 0013 does not acknowledge this overbroad understanding of "game outcomes". Paragraph 0013 talks about community bonus and tournaments: two kinds of bonuses that cannot have values determined prior to their play, thus that cannot be centrally determined. Furthermore, Gentles never discusses communicating at the same time data regarding the base game and the bonus game play in a single encapsulated message. Furthermore, to encapsulate within a single message base game data and bonus game play data, Gentles would require combining a central determination service and a bonus game play service, which Gentles does not teach. As stated before, Gentles lists these services without providing any hint on combining them.

Furthermore, claim 44 recites "if data representative of the play secondary outcome is present, providing a subsequent game sequence for each secondary outcome each providing a secondary outcome value". That limitation clearly sets that data regarding both the base game and the bonus game play must be present together in the encapsulated data structure, even

though, depending on plays, data regarding a bonus game play may either be present in or absent from the encapsulated data structure, and that the data encapsulated is determined prior to its communication, thus on the server, not on the gaming device. In consequence, the server which provides such an encapsulated data structure must determine the base game outcome (i.e., the primary outcome) and the bonus game play outcome(s) (i.e., the secondary outcome(s)) to encapsulate and communicate them together.

Please note that the Applicant read thoroughly the documentations identified in relation with the past and present Office Actions and did not find any one of them combining central determination of base game outcomes and of bonus game play outcomes. It is therefore logical to state that, since none discusses both services, none combines the outcomes within a single data structure for communication to gaming terminals.

Therefore, reconsideration of the rejection of claim 44 is respectfully requested in view of the above arguments.

**Claim rejections under 35 U.S.C. § 103(a)**

**In view of Gentles et al. (U.S. 2004/0266533) and OFFICIAL NOTICE**

**Of claims 46**

The Office Action states that "it is notoriously old and well-known that predetermined outcomes in electronic casino gaming machines base outcome can determine the type or amount of secondary or bonus outcomes to provide to a player". The example provided in the Office Action is "for the pay table of a slots base game to determine how many bonus credits, how many bonus rounds, etc the player receives based on what predetermined bonus-triggering combination results from playing the slot reel game".

The Applicant respectfully points out that the above statement and example applies to "random games", not to predetermined outcome games (a.k.a. electronic tickets or centrally

determined games). With random games, a series of processes are performed in the following order: 1) generating an outcome and displaying said outcome to the player; 2) evaluating the base game outcome to determine if it comprises a predetermined bonus-trigger combination, 3) if the evaluation of the second process is successful, determining the bonus credits to award and/or the way the bonus play is provided based on the game pay table, and 4) awarding the player with the bonus play and the bonus credits. It is the Applicant's opinion that it is not "well-known" to determine both of the base game outcome and the none, one or more bonus game play outcomes prior to providing anything to any of the player playing said game and the terminal assisting the player in playing the game. In fact, none of the references provide proof of that "well-known" statement.

Therefore, the Applicant respectfully points out that the scope of the claims is concerned with centrally determined game outcomes. In consequence, what is stated as "well-known" in the Office Action is believed by the Applicant not to apply in relation with the prosecuted claims.

For information purpose, the Applicant points out that what is described in the claims has the advantage over the prior art to be more efficient regarding network communication and/or game play experience than a system using separate services (primary game play and bonus game play services). Communication of a single data structure may control on a gaming terminal: a) the value and play of the base game, b) if any bonus game play will be provided, thus their number, c) the value of the bonus game play(s), and d) the bonus play experience through the division of the bonus payout into a determined amounts of bonus game plays. Therefore, the claimed methods insure a correctly balanced game experience with a minimum of communication signals exchanged between the server and the gaming terminals. It is the Applicant's opinion that prior art does not provide these advantages, at least none of the ones cited as prior art in the present Office Action and in the previous ones.

Therefore, rejection of claim 46 is deemed moot in view of the above arguments. Reconsideration of claim 46 is respectfully requested and its allowance is solicited.

The Applicant submits that, if any, all other claims not discussed are dependent upon claims discussed or comprise the herein discussed limitations, and are judged allowable by the Applicant and thus should also be found allowable.

It is submitted, therefore, that claims 44-46 are in condition for allowance.

Reconsideration of the claim rejections is respectfully requested. Allowance of claims 44-46 at an early date is solicited.

In the event that there are any questions concerning these remarks or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

Gérald Duhamel

By:

/C. Marc Benoît/  
C. Marc Benoît  
(Reg. 50,200)  
Agent of Record  
Benoît & Co.  
Tel: (450) 646-9997